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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,076	12/21/2001	Amber D. Greenwalt	135863/ATL-2001-008	1113

24587 7590 07/12/2005

ALCATEL USA  
INTELLECTUAL PROPERTY DEPARTMENT  
3400 W. PLANO PARKWAY, MS LEGL2  
PLANO, TX 75075

EXAMINER

WILLETT, STEPHAN F

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

10/028,076

Applicant(s)

GREENWALT ET AL.

Examiner

Stephan F Willett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-94 is/are pending in the application.
- 4a) Of the above claim(s) 20-94 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/21/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Election/Restriction***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-19, drawn to translating command data, are classified in class 709, subclass 246.
  - II. Claims 20-28, drawn to an operator/user interface, are classified in class 709, subclass 250.
  - III. Claims 29-47, 76-94, drawn to determining device type and version for commands, are classified in class 709, subclass 224.
  - IV. Claims 48-59, drawn to updating command data, are classified in class 709, subclass 222.
  - V. Claims 60-67, drawn to converting command data using tags and XML, are classified in class 709, subclass 221.
  - VI. Claims 68-75, drawn to classifying filtering data, are classified in class 709, subclass 232.

2. The inventions are distinct, each from the other because:

The claims in Group I involve steps to translate command data while the claims in Group II specifically involve a user interface, which is classified in a different class from Groups I, III-VI, the claims in Group III involve determining device types, which is classified in a different subclass from Group I-II and IV-VI, the claims in Group IV involve updating command data, which is classified in a different subclass from Groups I-III and V-VI, the claims in Group V

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involve converting command data using tags and XML, which is classified in a different subclass from Group I-IV and VI, and the claims in Group VI involve filtering data, which is classified in a different subclass from Groups I-V.

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3. Inventions I-VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as to translate commands. In the instant case, invention II has separate utility such as to apply a user interface. In the instant case, invention III has separate utility such as to determine a device type. In the instant case, invention IV has separate utility such as to updating command data. In the instant case, invention V has separate utility such as to convert command data using tags and XML. In the instant case, invention VI has separate utility such as to filter data. See MPEP § 806.05(d).

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. Because these inventions are distinct for the reasons given above and the searches required for Group I is not required for Groups II-VI, restriction for examination purposes as indicated is proper.

6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement may be traversed (37 CFR 1.143).

7. Applicant's election without traverse of claims 1-19 by Jessica Smith by telephone on 3/9/05 is acknowledged.

***Claim Rejections - 35 USC 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim(s) 1, 2, 15-18 is/are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The “translation of said storage media” is unclear since the media is translated. A “non-editable combo box” is unclear since they are editable fields. HP-UX, LINUX, SOLARIS, UNIX is/are acronym(s) and/or trademark(s), and thus are unclear.

***Claim Rejections - 35 USC 102***

1. The following is a quotation of the appropriate paragraphs of 35 U. S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9, 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. with Patent Number 6,625,590.
3. Regarding claim(s) 1, Chen teaches a network command translation system with help commands. Chen teaches a terminal data interface, col. 2, lines 48-51. Chen teaches an adapter database toolkit, col. 3, lines 65-67. Chen teaches an operator interface, col. 6, lines 37-39. Chen teaches network storage media, col. 7, lines 55-59. Chen teaches translating of media to create an adapter database, col. 3, lines 44-49. Chen teaches said database permits creation of

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editable command fields, col. 5, lines 66-67. Chen teaches command fields are combined to create a valid command to send to the network device, col. 6, lines 42-44.

4. Regarding claim(s) 2, Chen teaches a non-editable box or menu, col. 6, lines 58-61.
5. Regarding claim(s) 3, Chen teaches a menubar with standard menus, col. 1, lines 24-29.
6. Regarding claim(s) 4, Chen teaches a command window, col. 10, lines 48-49.
7. Regarding claim(s) 5, Chen teaches a response window, col. 6, line 42.
8. Regarding claim(s) 6, 8-9, Chen teaches a command creation panel, col. 6, lines 62-64.
9. Regarding claim(s) 7, Chen teaches a command code tree, col. 12, lines 49-51.
10. Regarding claim(s) 13, Chen teaches Internet communications, col. 7, line 51.
11. Regarding claim(s) 14, Chen teaches using PCs, col. 7, line 55.

***Claim Rejections - 35 USC 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10-12, 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. with Patent Number 6,625,590.

12. Regarding claim 10-12, the Chen patent discloses the method of the preceding claims. The Chen patent does not explicitly disclose storing data in a CDROM, using an API, using a serial port or using standard operating systems such as HP-UX, LINUX, SOLARIS, UNIX and

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MS Windows. However, Official Notice is taken MPEP 2144.03 (a)) that storing data in a CDROM, using an API or using a serial port and adapting to numerous operating systems in a network is well known in the art to insure standard operations of the network. It would have been obvious to one of ordinary skill in the art at the time of the application's invention to store data in a CDROM, use an API, use a serial port or adapt to numerous operating systems in a network to obtain the advantages of communicating with standard compatible software and components. By the above rational, the claim is rejected.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. A close review of the references is suggested. A close review of the Fischer reference with Patent Number 6,208,338 is suggested. The other references cited teach numerous other ways to create help commands, thus a close review of them is suggested.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (571) 272-3890. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

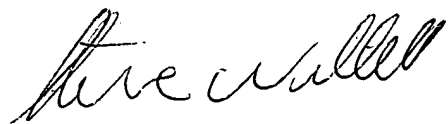
6. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.



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A handwritten signature in cursive script, appearing to read "Stephan Willett".

Stephan Willett

Patent Examiner

July 6, 2005